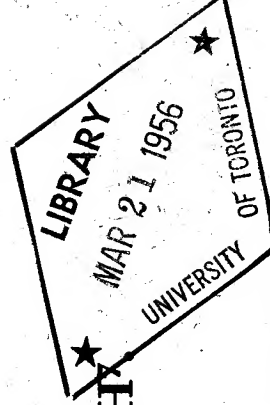


201 YB
1337

Third Session, Twenty-Second Parliament, 4-5 Elizabeth II, 1956.

THE SENATE OF CANADA

BILL HX



An Act to amend the Canada Shipping Act.

Read a first time, Tuesday, 13th March, 1956

Honourable Senator MACDONALD

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1956

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THE SENATE OF CANADA

BILL H⁷.

An Act to amend the Canada Shipping Act.

R.S. c. 29;
1952-53, c. 20.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (17) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor:

"Consular
officer."

"(17) 'consular officer' means a consular officer of Canada or any person for the time being discharging the duties of a consular officer of Canada, and in the absence of a consular officer of Canada or such other person, means a consul-general, consul or vice-consul of the United Kingdom or any person for the time being discharging the duties of consul-general, consul or vice-consul of the United Kingdom; and when used in relation to a country other than Canada, 'consular officer' means the officer recognized by Her Majesty as a consular officer of that country;"

2. Section 8 of the said Act is repealed and the following substituted therefor:

Exemption
from
registry.

"8. Ships not exceeding fifteen tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding fifteen tons register tonnage wherever employed or operated are exempted from registry under this Act."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following section:

Deductions
in special
cases.

"95A. (1) Notwithstanding section 95, where in the case of a ship to which this section applies the space solely occupied by and necessary for the proper working of the boilers and machinery is thirteen per cent or less of the gross tonnage of the ship, then in ascertaining the register tonnage of the ship the deduction allowable for that space under section 95

EXPLANATORY NOTES.

1. The present paragraph (17) reads as follows:

"(17) "consular officer" means a Canadian consular officer, or such other person as may be designated by the Governor in Council to perform the duties of a Canadian consular officer under this Act and, in the absence of a Canadian consular officer or of such other person, includes a British consul-general, consul and vice-consul, and any person for the time being discharging the duties of British consul-general, consul or vice-consul; when used in relation to a foreign country, it means the officer recognized by Her Majesty as a consular officer of that country;"

The purpose of the amendment is to include any person discharging the duties of a consular officer, without requiring a particular designation.

2. The present section 8 reads as follows:

"8. Ships not exceeding *ten* tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding *ten* tons register tonnage wherever employed or operated are exempted from registry under this Act."

The purpose of the amendment is to increase the tonnage from 10 to 15.

3. This provision is new. The purpose is to provide for engine room space allowance similar to that provided for in the *United Kingdom Merchant Shipping Act*.

Amount of deduction.

- (a) shall be computed in accordance with subsection (2) of this section, but
- (b) shall not be made unless the surveyor of ships is satisfied that the space provided for the working of the boilers and machinery and the ventilation and lighting 5 of that space are adequate.

(2) Subject to the limit imposed by paragraph (c) of subsection (1) of section 95, the amount of the deduction shall be as follows, namely,

- (a) if the tonnage of the space solely occupied by and 10 necessary for the proper working of the boilers and machinery is thirteen per cent of the gross tonnage of the ship, the amount shall be thirty-two per cent of that gross tonnage, and
- (b) if the tonnage of that space is less than thirteen 15 per cent of the gross tonnage of the ship, the amount shall be thirty-two per cent of that gross tonnage proportionately reduced.

Paddle wheels.

(3) In relation to ships propelled by paddle wheels, subsection (1) has effect as if for the references to thirteen 20 and thirty-two per cent there were substituted respectively references to twenty and thirty-seven per cent.

Application of section.

- (4) This section applies
- (a) to any ship the keel of which is laid after the coming 25 into force of this section, and
- (b) if the owner has made a request in writing to that effect to the Minister of Transport, to any ship in respect of which the surveyor of ships is for the time being satisfied as mentioned in paragraph (b) of subsection (1). 30

Where deduction depends on surveyor being satisfied as to adequacy of space.

(5) Where the making of the deduction mentioned in subsection (1) or its computation in accordance with subsection (2) depends on the surveyor of ships being satisfied as mentioned in paragraph (b) of subsection (1), and the deduction 35

- (a) has been made and so computed but a surveyor of ships, on inspecting the ship, fails to be satisfied as mentioned in paragraph (b) of subsection (1), or
- (b) has not been made or, as the case may be, has not been so computed, but a surveyor of ships, on inspecting 40 the ship, is satisfied as mentioned in paragraph (b) of subsection (1),

the surveyor shall inform the Minister and the register tonnage of the ship shall be altered accordingly."

Repeal.

4. Section 112 of the said Act is repealed.

45

4. Section 112 reads as follows:

"112. Whenever the property in a ship or vessel so required to be licensed passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there are more than one, shall, within one month after such change of ownership as aforesaid, take out a new licence at some port or place in Canada, and, upon receiving the same, shall deliver up the former licence, if in his possession, to the chief officer of Customs at such port or place."

This section is no longer required in view of the regulations made under section 109.

5. Section 113 of the said Act is repealed and the following substituted therefor:

Return of
vessels
licensed.

"113. Every officer of Customs authorized by this Part to license ships and vessels shall make and forward to the Minister returns in such form and containing such particulars as the Minister directs of ships and vessels licensed by him." 5

6. Section 114 of the said Act is amended by adding thereto the following subsection:

Fishing
vessels.

"(3) The Governor in Council may make regulations requiring masters and mates of ships mentioned in paragraph (b) of subsection (1) to hold such certificates of competency as are prescribed by the regulations." 10

7. Subsection (2) of section 115 of the said Act is repealed and the following substituted therefor: 15

Sufficient
engineers
for watch
periods.

"(2) Notwithstanding subsection (1), every steamship to which this section applies shall be provided with such number of engineers, duly certificated, as will ensure reasonable periods of watch, having due regard to the length of any voyage, and other related circumstances, and any such additional engineer may be a fourth class engineer, duly certificated, except that 20

(a) if the steamship is principally employed in fishing, not carrying passengers, and the propelling machinery is internal combustion engines of not more than thirty nominal horse-power but more than fifteen nominal horse-power, any such additional engineer may be an engineer holding a certificate as a watchkeeping engineer of a motor-driven fishing vessel; and 25

(b) if the steamship is principally employed in fishing, not carrying passengers, and the propelling machinery is internal combustion engines of not more than fifteen nominal horse-power, any such additional engineer need not be certificated." 30

8. (1) Paragraph (b) of subsection (4) of section 116 of the said Act is repealed and the following substituted therefor

"(b) steamship of under three hundred and fifty tons gross tonnage;" 35

(2) Section 116 of the said Act is further amended by adding thereto the following subsection: 40

5. Section 113 reads as follows:

"113. Every officer of Customs authorized by this Part to license ships and vessels, shall, *on or before the 1st day of February in each year*, make and forward to the Minister a return in such form, and containing such particulars as the Minister, *from time to time*, directs, of all ships and vessels licensed by him during the year ending on the 31st day of December then past."

Annual returns are no longer required, reports now being sent to the Minister otherwise than annually.

6. It is desirable to have some certification of persons in charge of fishing vessels but on these vessels masters and mates should not be required to have the same standards of competency as those required for regular Certificates of Competency of Masters and Mates as otherwise provided in this Act. Accordingly, it is proposed, in co-operation with the Fishing industry, to introduce by regulation a special and simpler system of certification. This system will be developed gradually in conjunction with an educational program which has already been instituted by the industry which recognizes the need for action along these lines.

7. The present subsection (2) reads as follows:

"(2) Notwithstanding anything hereinbefore contained, every steamship to which this section applies shall be provided with such number of engineers, duly certificated, as will ensure reasonable periods of watch, having due regard to the length of any voyage, and other related circumstances, and any such additional engineer may be a fourth class engineer, duly certificated."

The purpose of the amendment is to relax the present requirements as regards certain fishing vessels.

8.(1) The present paragraph (b) reads as follows:

"(b) steamship of under one hundred and fifty tons gross tonnage;"

(2) New. This provision is self-explanatory.

Prior
certificates.

"(7) A certificate for a steamship of under one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection shall be deemed to be the equivalent of a certificate described in paragraph (b) of subsection (4), and the holder is entitled upon the surrender thereof to be granted a certificate as described in that paragraph." 5

9. Section 118 of the said Act is amended by striking out the word "and" at the end of paragraph (d) thereof, by inserting the word "and" at the end of paragraph (e) thereof, and by adding thereto the following paragraph: 10
"(f) a watchkeeping engineer of a motor-driven fishing vessel."

Masters of
home-trade,
inland waters
or minor
waters
vessels.

10. Section 119 of the said Act is repealed and the following substituted therefor: 15

"119. (1) Every British subject who

(a) served as a master of a home-trade, inland waters or minor waters vessel of over ten tons, gross tonnage, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service, 20

(b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and

(c) passes the prescribed examination 25
is entitled, on payment of the prescribed fee, and according to the waters served in, to either a home-trade, inland waters or minor waters certificate of service as master of a steamship not exceeding three hundred and fifty tons, gross tonnage, and not carrying passengers; such certificate is 30
not valid on tugs.

Prior
certificates.

(2) A certificate of service as master of a steamship not exceeding one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection shall for the waters mentioned therein be deemed to be the equivalent of a certificate described in subsection (1) for those waters, and the holder is entitled upon surrender thereof to be granted a certificate under subsection (1) for those waters." 35

11. Paragraph (a) of subsection (1) of section 125 of the said Act is repealed and the following substituted therefor:

9. This amendment is consequential to the amendments in clause 7.

10. The present section 119 reads as follows:

"119. Every British subject who
(a) served as a master of a home-trade, inland waters or minor waters sailing ship of over ten tons, gross tonnage, fitted with mechanical means of propulsion other than steam engines, before the 1st day of January, 1948, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service,
(b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and
(c) passes the prescribed examination
is entitled, on payment of the prescribed fee, and according to the waters served in, to either a home-trade, inland waters or minor waters certificate of service as master of a steamship of over ten tons, gross tonnage, and not exceeding *one hundred and fifty* tons, gross tonnage, and not carrying passengers; such certificate is not valid on tugs."

The purpose of the amendment is to apply the section to all vessels up to 350 tons gross tonnage.

11. There is no change from the present provision. In the last printing of the statutes the concluding words were erroneously included within subparagraph (ii).

“(a) a vessel that is

(i) a passenger steamship certified to carry not more than forty passengers, or

(ii) a steamship other than a passenger steamship of not more than forty tons gross tonnage and employed in home-trade, inland or minor waters voyages, within the limits specified by the Minister, or” 5

12. Section 128 of the said Act is repealed and the following substituted therefor:

Temporary
engineers.

“**128.** The Minister, upon the report of a steamship 10 inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of the inspector to act as engineer in a steamship carrying passengers and propelled by an internal combustion engine of not more than four nominal horse power, or in the case of a steamship making 15 home-trade voyages, Class IV, or minor waters voyages, Class II, propelled by an internal combustion engine of not more than six nominal horse power, and such certificate is valid only in respect of the steamship named therein while employed within the limits specified in the certificate. 20 and for a period not exceeding one year from the date of issue.”

13. Paragraphs (n) and (o) of section 329 of the said Act are repealed and the following substituted therefor:

Limit period
of licence.

“(n) limit the period during which any licence to a pilot 25 shall be in force;

Renewal,

(o) renew for a further limited term any licence issued for a limited period pursuant to paragraph (n); and”.

14. The heading immediately preceding section 353 of the said Act is repealed and the following substituted 30 therefor:

“*Rights and Liabilities of Pilots.*”

15. (1) Paragraph (a) of subsection (1) of section 354 of the said Act is repealed and the following substituted therefor:

12. The present section 128 reads as follows:

"128. The Minister, upon the report of a steamship inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of such inspector to act as engineer in a steamship carrying passengers and having an engine of not more than four nominal horse power, *or, if the engine is of the compound type, of not more than fourteen nominal horse power*, and such certificate is valid only in respect of the steamship named therein whilst employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue."

Experience has shown that the limit of four nominal horse power is too low in the case of ships making home-trade voyages Class IV, or minor waters voyages Class II.

13. Paragraphs (n) and (o) read as follows:

- "(n) limit the period during which any licence to a pilot shall be in force *to a term not less than two years from its date*;
- (o) renew for a further limited term, *not less than two years*, any licence issued for a limited period pursuant to paragraph (n); and"

The purpose of the amendment is to delete the limitation of two years.

15. (1) The present subsection (1) reads as follows:

"354. (1) Any person may, within any pilotage district for which he is not a licensed pilot, without subjecting himself or his employer to any penalty, pilot a ship,

- (a) *when no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and continued to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose, and*
- (b) *when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.*"

The purpose of the amendment is to bring the provision into line with current practices.

(2) This is new and is intended to provide a penalty for employing an unlicensed pilot otherwise than as permitted in subsection (1) of section 354 quoted above.

“(a) when the pilotage authority of the district has indicated to the master of the ship that a licensed pilot is not available; and”.

(2) Subsection (3) of section 354 of the said Act is repealed and the following substituted therefor:

Prohibitions.

“(3) Except as provided in subsection (1)

(a) a person other than a licensed pilot shall not act as pilot of a ship; and

(b) a master of a ship shall not employ as a pilot any person who is not a licensed pilot.”

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16. Section 356 of the said Act is repealed and the following substituted therefor:

Penalty.

“**356.** Every person who violates subsection (3) of section 354 is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month.”

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17. Section 357 of the said Act is repealed and the following substituted therefor:

Payment of
dues for ship
moved with-
out pilot.

“**357.** (1) Where, in a pilotage district in which the payment of pilotage dues is compulsory, the master of a ship that is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a licensed pilot for such district, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one of such licensed pilots.

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Exception.

(2) Subsection (1) does not apply to the master of a ship that is moved from one berth to another solely by means of her mooring lines unless the pilotage authority otherwise provides by by-law.”

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Repeal.

18. The heading immediately preceding section 358 of the said Act is repealed.

19. Section 477 of the said Act is amended by adding thereto the following subsections:

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Barge, etc.,
used to carry
crew making
voyages over
15 miles
from land.

“(3) Where any barge, scow or like vessel carries a crew but not passengers, and is towed by a steamship and is not moved by sails or oars, such barge, scow or like vessel, if making a voyage more than fifteen miles from land, is sub-

16. The present section 356 reads as follows:

"356. Every unlicensed pilot who continues in the charge of a ship in any district after a licensed pilot has offered, by showing his proper signal and exhibiting his licence, to take charge of her, is liable to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment for one month."

This amendment is consequential upon the addition of the proposed new subsection (3) to section 354.

17. The present section reads as follows:

"357. (1) Where any master of a ship that is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a licensed pilot for such district, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one of such licensed pilots.

(2) This provision does not apply to the master of any ship actually proceeding to or coming from Montreal or elsewhere above the harbour of Quebec, in charge of a licensed pilot for the pilotage district of Montreal."

Subsection (1) is applicable only to pilotage districts in which the payment of pilotage dues is compulsory.

The present subsection (2) no longer has any application. The proposed new subsection (2) is intended to ensure that pilotage dues are not ordinarily payable where a vessel is moved from one berth to another, solely by means of her mooring lines without the use of a pilot.

19. These provisions are new. The purpose of the amendment is to make applicable to towed barges carrying crews, but no passengers, additional safety regulations.

ject to inspection and to the regulations made under this Part in respect of hulls and equipment, life saving equipment, fire extinguishing equipment, boilers and compressed air tanks, in like manner and under the same conditions as a steamship; such vessels are required to have a certificate of inspection, in a form approved by the Minister, and are subject to all the provisions of this Part in respect of the payment of fees, detention and penalties. 5

Voyages not over 15 miles from land.

(4) Where any barge, scow or like vessel carries a crew but not passengers, and is towed by a steamship or is operated on a cable and is not moved by sails or oars, such barge, scow or like vessel, if making voyages not more than fifteen miles from land, is subject to inspection of boilers and compressed air tanks and to the regulations made under this Part concerning life saving equipment, fire extinguishing equipment, boilers and compressed air tanks, in like manner and under the same conditions as a steamship; where inspection of boilers or compressed air tanks is required the vessel is required to have a certificate of inspection, in a form approved by the Minister, and is subject to all the provisions of this Part in respect of payment of fees, detention and penalties." 10 15 20

20. Section 478 of the said Act is repealed and the following substituted therefor:

Boilers on dredges, etc., subject to inspection.

"478. (1) Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel, which is not self-propelling, has a boiler or compressed air tank fitted for power purposes, such boiler or compressed air tank is subject to inspection in a like manner and under the same conditions as a boiler or compressed air tank in a steamship; and any dredge, rock drill, floating pile driver or like ship or vessel shall carry life saving and fire extinguishing equipment in accordance with regulations made under this Part; every such vessel is required to have a certificate of inspection, in a form approved by the Minister, and is subject to all the provisions of this Part in respect to payment of fees, detention and penalties. 25 30 35

Carrying crew and being towed.

(2) Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel carries a crew and is towed by a steamship it is, if making a voyage of more than fifteen miles from land, subject to the provisions of subsection (3) of section 477." 40

Repeal.

21. Section 479 of the said Act is repealed.

20. Section 478 now reads as follows:

"478. Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel, which is not self-propelling, has a boiler fitted for power purposes, the boiler is subject to inspection in like manner and under the same conditions as the boiler in a steamship, and such dredge or other such vessel shall carry life saving equipment in accordance with regulations in respect thereof which the Governor in Council may make; such vessels are required to have certificates of inspection, in a form approved by the Minister and are subject to all the provisions of this Part in respect of the payment of fees, detention and penalties."

The purpose of the amendment is to provide for the inspection of compressed air tanks where diesel power is used and for carrying fire extinguishing equipment.

21. The present section 479 reads as follows:

"479. Where any vessel has a boiler fitted for any purposes other than propelling purposes, the boiler is subject to inspection in accordance with regulations made by the Governor in Council, and the vessel is required to have a certificate of inspection in respect thereof in a form approved by the Minister."

The inspection of boilers other than those fitted for propelling purposes will be provided for in the proposed amendments to section 477 and 478.

1952-53, c. 20,
s. 10.

Steamships
not over
5 tons,
pleasure
yachts. —

22. Section 481 of the said Act is repealed and the following substituted therefor:

“**481.** Steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, are exempt from annual inspection and from the regulations made under this Part except those respecting life saving equipment, fire extinguishing equipment, and precautions against fire.” 5

23. Subsections (1) and (2) of section 482 of the said Act are repealed and the following substituted therefor: 10

Exemption.

“**482.** (1) Subject to the provisions of subsection (2) steamships in excess of five tons, gross tonnage, and not in excess of one hundred and fifty tons, gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection and in lieu therefor shall be inspected every fourth year, and such steamships, if propelled by steam, are in addition to such inspection every fourth year subject to inspection of their boilers, life saving equipment and fire extinguishing equipment annually, in like manner and as if they were steamships in excess of one hundred and fifty tons, gross tonnage. 15 20

Idem.

(2) Steamships not in excess of fifteen tons, gross tonnage, which are not passenger steamships, are exempt from inspection except that such steamships, if propelled by steam, are subject to inspection of their boilers, life saving equipment and fire extinguishing equipment as provided for in subsection (1).” 25

24. Section 493 of the said Act is repealed and the following substituted therefor: 30

Penalty.

“**493.** Except where otherwise specially provided in this Part, the owner or master of any Canadian ship is liable to a fine not exceeding one hundred dollars for any violation of any provision of this Part or any regulation made thereunder.” 35

25. Subsection (3) of section 494 of the said Act is repealed and the following substituted therefor:

Certain
products not
considered
cargo.

“(3) Fish and the products of whaling trips and sealing trips shall not, for the purposes of this Part, be considered cargo of steamships employed in fishing, whaling or sealing.” 40

26. The said Act is further amended by adding thereto, immediately after Part VII thereof, the following Part:

22. Section 481 now reads as follows:

"481. Steamships not in excess of five tons gross tonnage, pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, and tow barges that carry a crew but not passengers, are exempt from annual inspection, and from the regulations the Governor in Council may make under the provisions of section 410 except as concerns life saving equipment, fire extinguishing equipment and precautions against fire, and inspection of boilers as required by section 479."

The amendment would delete reference to towed barges because these will be dealt with in the proposed new sections 477 and 478.

23. Subsections (1) and (2) of section 482 now read as follows:

"482. (1) Subject to the provisions of subsection (2), steamships in excess of five tons, gross tonnage, and not in excess of one hundred and fifty tons, gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection, and in lieu thereof shall be inspected every fourth year; and such steamships, if propelled by steam, are, in addition to such inspection every fourth year, subject to inspection of their boilers and life saving equipment annually in like manner and as if they were steamships in excess of one hundred and fifty tons gross tonnage.

(2) Steamships not in excess of fifteen tons, gross tonnage, which are not passenger steamships, are exempt from inspection, except that such steamships, if propelled by steam, are subject to inspection of their boilers and life saving equipment as provided for in subsection (1)."

The purpose of the amendment is to provide for the annual inspection of fire extinguishing equipment.

24. Section 493 reads as follows:

"493. Except where otherwise specially provided in this Part, the owner or master of any Canadian ship is liable to a fine not exceeding one hundred dollars and not less than fifty dollars for any violation of any provision of this Part or regulation made thereunder."

The purpose of the amendment is to eliminate the minimum penalty.

25. The present subsection reads as follows:

"(3) Fish and the products of whaling trips shall not, for the purposes of this Part, be considered cargo of steamships employed in fishing or whaling."

The purpose of the amendment is to exclude from cargo the products of sealing trips.

26. This Part is new and provides for the implementation of the International Convention for the Prevention of Pollution of the Sea by Oil, and also enables the Governor in Council to make regulations to prevent such pollution in Canadian waters.

PART VIIIA

OIL POLLUTION.

Regulations.

- 495A.** The Governor in Council may make regulations
- (a) to carry out and give effect to the provisions of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the Fourteenth Schedule;
 - (b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada; and
 - (c) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section.”

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Exemption.

- 27.** Subsection (4) of section 558 of the said Act is repealed and the following substituted therefor:
- “(4) Subsection (3) does not apply in the case of a shipping casualty that occurs on or near the coast of Canada or in respect of a ship wholly engaged in the coasting trade of Canada.”

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Regulations.

- 28.** Subsections (4) and (5) of section 645 of the said Act are repealed and the following substituted therefor:
- “(4) The Governor in Council may by order or regulation provide
- (a) for the government and regulation of any part or parts of the inland, minor or other waters of Canada,
 - (b) for the licensing of operators of vessels on such waters,
 - and
 - (c) for the enforcement of any such order or regulation.
- (5) Any rule, regulation or order made under this section may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof.”

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29. Section 719 of the said Act is amended by adding thereto the following subsection:

- “(3) A reference in this section to any part of Her Majesty’s dominions other than Canada shall be construed as including a reference to the United Kingdom.”

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30. ‘The said Act is further amended by adding thereto the following Schedule:

“FOURTEENTH SCHEDULE.

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954.

27. The present subsection (4) reads as follows:

"(4) *This section* does not apply in the case of a shipping casualty that occurs on or near the coast of Canada or occurs in respect of a ship wholly engaged in the coasting trade of Canada."

The subsection should refer only to subsection (3) and not to the whole section.

28. The present subsections (4) and (5) read as follows:

"(4) The Governor in Council may by order or regulation provide for the government and regulation of any part or parts of the minor waters of Canada defined or described therein and may provide for the enforcement of such order or regulation.

(5) Any rule, regulation or order so made may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof, and, in case any such provision is made, it has effect as if in and by this Act enacted."

The purpose of the amendment is to cover other waters of Canada and to provide for the licensing of operators of vessels on such waters.

29. Section 719 provides for reciprocal services relating to British ships, but the reference to "Her Majesty's dominions other than Canada" apparently does not include the United Kingdom itself, and the purpose of the amendment is to make sure it does.

30. This clause would add the Convention referred to in clause 26 as a Schedule to the Act.

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
OF THE SEA BY OIL, 1954.

London, May 12, 1954.

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954.

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE I.

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:—

“The Bureau” has the meaning assigned to it by Article XXI;

“Discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

“Heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.158/53;

“Mile” means a nautical mile of 6080 feet or 1852 metres;

“Oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

ARTICLE II.

The present Convention shall apply to sea-going ships, registered in any of the territories of a Contracting Government, except

- (i) ships for the time being used as naval auxiliaries;
- (ii) ships of under 500 tons gross tonnage;
- (iii) ships for the time being engaged in the whaling industry;
- (iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

ARTICLE .III.

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of—

- (a) oil;
- (b) an oily mixture the oil in which fouds the surface of the sea, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:—

- (a) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and
- (b) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

ARTICLE IV.

(1) Article III shall not apply to:—

- (a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or
- (b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;
- (c) the discharge of sediment:—
 - (i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or
 - (ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,
 provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

ARTICLE V.

Article III shall not apply to the discharge from the bilges of a ship:—

- (a) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;
- (b) after the expiration of such period, of any oily mixture containing no oil other than lubricating oil.

ARTICLE VI.

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

ARTICLE VII.

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

ARTICLE VIII.

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

ARTICLE IX.

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official log-book or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X.

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI.

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII.

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:—

- (a) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;
- (b) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII.

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV.

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

- (2) Governments may become parties to the Convention by—
 - (i) signature without reservation as to acceptance;
 - (ii) signature subject to acceptance followed by acceptance; or
 - (iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV.

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

- (2)–(a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

- (b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI.

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)-(a) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

ARTICLE XVII.

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

ARTICLE XVIII.

- (1)-(a) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.
- (b) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.
- (2)-(a) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.
- (b) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

ARTICLE XIX.

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

ARTICLE XX.

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

ARTICLE XXI.

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, and thereafter the duties of the Bureau shall be carried out by the said Organisation.

*In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

For the Government of Australia:

For the Government of Belgium:

M. A. VAN BOECKEL.
(Subject to acceptance.)

For the Government of Brazil:

For the Government of Canada:

ALAN CUMYN.
(Subject to ratification.)

For the Government of Ceylon:

For the Government of Chile:

For the Government of Denmark:

MOGENS BLACH.
(Subject to acceptance.)

For the Government of Finland:

S. SUNDMAN.
(Subject to acceptance.)

For the Government of France:

For the Government of the Federal Republic of Germany:

KARL SCHUBERT.
(Subject to acceptance.)

* In accordance with Article XIV the Convention remains open for signature for three months from 12th May, 1954. The signatures shown are those which have been appended up to 1st July, 1954.

For the Government of Greece:

M. SAKARIS.

KOSTAS LYRAS.

(Subject to acceptance.)

For the Government of India:

For the Government of Ireland:

For the Government of Israel:

For the Government of Italy:

GIULIO INGIANNI.

(Subject to acceptance.)

For the Government of Japan:

For the Government of Liberia:

GEORGE B. STEVENSON.

S. EDWARD PEAL.

(Subject to acceptance or ratification by the
President with the advice and consent of
the Liberian Senate.)

For the Government of Mexico:

For the Government of the Netherlands:

For the Government of New Zealand:

For the Government of Nicaragua:

For the Government of Norway:

SIGURD STORHAUG.

(Subject to acceptance.)

For the Government of Panama:

For the Government of Poland:

For the Government of Portugal:

For the Government of Spain:

For the Government of Sweden:

G. BÖÖS.

(Subject to acceptance.)

For the Government of the Union of Soviet Socialist Republics:

For the Government of the United Kingdom of Great Britain and
Northern Ireland:

GILMOUR JENKINS.

PERCY FAULKNER.

(Subject to acceptance.)

For the Government of the United States of America:

For the Government of Venezuela:

For the Government of Yugoslavia:

PREDRAG NIKOLIĆ.

(Subject to acceptance.)

ANNEX A.

PROHIBITED ZONES.

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:—

(a) *The Adriatic Zones.*

Within the Adriatic Sea the prohibited zones off the coast of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(b) *The North Sea Zone.*

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium,
Denmark,
the Federal Republic of Germany,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(c) *The Atlantic Zone.*

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; then westwards along the 64^{th} parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude $54^{\circ} 30'$ north, longitude 30° west; thence to latitude $44^{\circ} 20'$ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48^{th} parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(d) *The Australian Zone.*

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:—

(a) *The Adriatic Zones.*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(b) *The North Sea and Atlantic Zones.*

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium

Denmark

the Federal Republic of Germany

Ireland

the Netherlands

the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3)—(a) Any Contracting Government may propose:—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B.
FORM OF OIL RECORD BOOK.

I.—FOR TANKERS.

DATE OF ENTRY					
<i>(a) Ballasting of and discharge of ballast from cargo tanks</i>					
1. Identity numbers of tank(s).....	.....	.....	.....	.....	.....
2. Type of oil previously contained in tank(s).....	.....	.....	.....	.....	.....
3. Date and place of ballasting.....	.....	.....	.....	.....	.....
4. Date and time of discharge of ballast water.....	.....	.....	.....	.....	.....
5. Place or position of ship.....	.....	.....	.....	.....	.....
6. Approximate amount of oil-contaminated water transferred to slop tank(s).....	.....	.....	.....	.....	.....
7. Identity numbers of slop tank(s).....	.....	.....	.....	.....	.....
<i>(b) Cleaning of cargo tanks</i>					
8. Identity numbers of tank(s) cleaned.....	.....	.....	.....	.....	.....
9. Type of oil previously contained in tank(s).....	.....	.....	.....	.....	.....
10. Identity numbers of slop tank(s) to which washings transferred.....	.....	.....	.....	.....	.....
11. Dates and times of cleaning.....	.....	.....	.....	.....	.....
<i>(c) Settling in slop tank(s) and discharge of water</i>					
12. Identity numbers of slop tank(s).....	.....	.....	.....	.....	.....
Period of settling (in hours).....	.....	.....	.....	.....	.....
Date and time of discharge of water.....	.....	.....	.....	.....	.....
Place or position of ship.....	.....	.....	.....	.....	.....
Approximate quantities of residue.....	.....	.....	.....	.....	.....

ANNEX B—*Continued*
 FORM OF OIL RECORD BOOK—*Continued*
 I.—FOR TANKERS—*Concluded*

DATE OF ENTRY					
<i>(d) Disposal from ship of oily residues from slop tank(s) and other sources</i>					
17. Date and method of disposal.....					
18. Place or position of ship.....					
19. Sources and approximate quantities.....					

Signature of Officer or Officers
 in charge of the operations concerned
 Signature of Master.

II.—FOR SHIPS OTHER THAN TANKERS.

DATE OF ENTRY					
<i>(a) Ballasting, or cleaning during voyage, of bunker fuel tanks</i>					
1. Identity number of tank(s).....					
2. Type of oil previously contained in tank(s).....					
3. Date and place of ballasting.....					
4. Date and time of discharge of ballast or washing water.....					
5. Place or position of ship.....					
6. Whether separator used: if so, give period of use.....					
7. Disposal of oily residue retained on board.....					

ANNEX B—*Concluded*

FORM OF OIL RECORD BOOK—*Concluded*

II.—FOR SHIPS OTHER THAN TANKERS—*Concluded*

(b) <i>Disposal from ship of oily residues from bunker fuel tanks and other sources</i>					
8. Date and method of disposal.....					
9. Place or position of ship.....					
10. Sources and approximate quantities.....					

.....Signature of Officer or Officers
.....in charge of the operations concerned
.....Signature of Master.

III.—FOR ALL SHIPS

DATE OF ENTRY					
<i>Accidental and other exceptional discharges or escapes of oil</i>					
1. Date and time of occurrence.....					
2. Place or position of ship.....					
3. Approximate quantity and type of oil.....					
4. Circumstances of discharge or escape and general remarks.....					

.....Signature of Officer or Officers
.....in charge of the operations concerned
.....Signature of Master."